

## **REMARKS**

### **SUMMARY OF CLAIMS**

Claims 1-18 and 22-51 are currently pending. Claims 2-18, 23-25, 27-32, 34-41, 43-46, and 48-50 were previously presented. Claims 19-20 are cancelled. Claims 1, 22, 26, 33, 42, 47 and 51 have been amended. New claims 52-54 have been added. No new matter has been added. Reconsideration is respectfully requested in light of the following:

#### **I. Interview with the Examiner**

Applicants thank the Examiner for the personal interview conducted with the Examiner on October, 3, 2007. The topic of the interview focused on the 35 U.S.C. §102(b) rejections concerning the “integrated electronic instrumentation” as presently recited in claims 1-18 and 22-51. The Examiner indicated that the term “integrated electronic instrumentation” could be construed so as to read on United States Patent Number 6,682,440, Karidis et al (hereafter “Karidis”). However, the Examiner did indicate that the Karidis reference does not teach an “electronic instrumentation incorporated into an outer casing of a paper diary and hidden from a subject’s view.”

#### **II. New and Amended Claims:**

The new and amended claims, which start on page 2, are amply supported by the specification as filed. Support for the new and amended claims can be found throughout the original specification, filed on May 23, 2001. In particular the following elements are supported as follows:

- (a) electronic instrumentation is hidden from a subject’s view:  
originally filed claim 21; Specification, pg.6, line 28-pg.7, line 10; pg.9, line 10-line 19;
- (b) electronic instrumentation is incorporated into an outer casing of the paper diary:  
specification, pg.6, line 28-pg.7, line 10; pg.9, line 10-line 19;
- (c)an electronic record that comprises at least a time corresponding to when a sensor detects that a subject uses the paper diary:  
originally filed claim 8; Specification, pg.8, line 26-pg.9, line 9.

#### **III. Claim rejections under 35 U.S.C. 102(e)**

The Examiner rejected claims 1-31 and 33-41 under 35 U.S.C. 102(e) as being anticipated by Karidis et al. Applicants respectfully traverse the rejection for the reasons set forth below.

The prior pending claims are not anticipated by Karidis et al. However in order to advance prosecution claims, 1, 22, 26, 33, 42, 47 and 51 have been amended to describe the claimed invention in greater clarity. As recited in the new or amended claims the paper diary comprises an *electronic instrumentation incorporated into an outer casing of the paper diary and hidden from a subject's view.*

Karidis et al. is directed towards a laptop device which comprises a keyboard and a graphical display and/or a separate tablet entry system. (See Figures 1—40) In contrast, the presently claimed invention comprises a paper diary with hidden electronic instrumentation that is not apparent to a user. Karidis et al. does not teach a paper diary comprising an electronic instrumentation incorporated into an outer casing of the paper diary and hidden from a subject's view. Further, Karidis et al. does not teach an electronic instrumentation that generates an electronic record comprising at least a time corresponding to when a sensor detects that a subject uses the paper diary. Applicants respectfully request that in view of the amended claims the rejection under 35 U.S.C. 102(e) be withdrawn.

**IV. Applicants respectfully traverse the rejection of claims 26 and 32 under 35 U.S.C. 103(a)**

The Examiner has rejected claims 47-48 under 35 U.S.C. 103(a) as being unpatentable over Karidis et al. Further, the Examiner has rejected claims 42-46 under 35 U.S.C. 103(a) as being unpatentable over Karidis et al, in view of non-patent literature article "Diary keeping in asthma: comparison of written and electronic methods" Hyland, et al., which is hereinafter referred to as Hyland et al. Applicants respectfully traverse the rejection for the reasons set forth below.

The prior pending claims are not rendered unpatentable by Karidis et al., alone or in view of Hyland, et al. However, in order to advance prosecution claims 1, 22, 26, 33, 42, 47 and 51 have been amended to describe the claimed invention with greater clarity.

Karidis et al. has been summarized above. The teachings of Hyland, et al., do not supplement Karidis et al. in such a way as to cure the failure to teach an *electronic instrumentation incorporated into an outer casing of the paper diary and hidden from a subject's view.* Applicants respectfully request that in view of the amended claims the rejection under 35 U.S.C. 103(a) be withdrawn.

## **CONCLUSION**

In view of the foregoing arguments and amendments to claims 1, 22, 26, 33, 42, 47 and 51, Applicants respectfully request reconsideration and allowance of claims 1-18 and 22-54. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned agent at (202) 973-8870. The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 31886.706.201).

Respectfully submitted,

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By: 

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